

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

CAROLYN MILLENDER	)	
	)	
Plaintiff,	)	
	)	
VS.	)	CASE NO.: 2:07-cv-145-MHT
	)	
H. COUNCILL TRENHOLM STATE	)	
TECHNICAL COLLEGE; ANTHONY	)	
MOLINA, in his official capacity as	)	
President of H. Councill Trenholm State	)	
College	)	
	)	
Defendants.	)	

**DEFENDANT'S RESPONSE TO PLAINTIFF'S**  
**OPPOSITION TO DEFENDANT'S**  
**MOTION FOR EXTENSION OF EXPERT WITNESS DEADLINE**

COMES NOW, the Defendant through undersigned counsel and responds to the Plaintiff's opposition to extending the Defendant's expert witness deadline from Friday, September 14, 2007 to Friday, October 5, 2007, as follows:

1. That significantly, Plaintiff did not state that she would be prejudiced by an extension of the Defendant's expert witness deadline.
2. That instead, Plaintiff makes much a to do over the Defendant having failed to state a reason for the need of using an expert witness in its request and/or failing to provide the area and/or subject matter needed for the use of an expert.
3. That the former President of Trenholm, Dr. Molina, (who was named in his official capacity as a Defendant in this action) is deceased. Plaintiff appears to allege that his arbitrary and capricious actions based on her gender led to her being placed on the C-3 salary schedule versus the C-1 or C-2 schedule.
4. That the Plaintiff filed an approximately 17 page complaint wherein she asserted, among other claims, the following:

- that Defendants have a history of discriminating against employees based upon their gender (paragraph 16 of Complaint);
- that Defendant Trenholm has used the C-3 salary schedule, which has no objective standards or written policies for where an individual is to be placed or paid on it, or any objective standard or written policy about who is to be placed on the C-3 schedule versus C-1 or C-2 schedule. *The lack of objective standards, written policies, and the broad range of the salary schedule and its allowance of the arbitrary and capricious discretion of the President to place persons on the schedule and to pay them whatever amount of money he wishes to pay facilitates, led to, or allows Defendants to discriminate based upon gender*, in violation of Title VII of the Civil Rights Act of 1964, as amended by the Civil Rights Act of 1991 (paragraph 30e of Complaint); (emphasis added)
- that Defendant Trenholm has a history of discriminating against female employees in violation of Title VII of the Civil Rights Act of 1964, as amended by the Civil Rights Act of 1991 (paragraph 30g of Complaint).

4. In addition, issues have arisen concerning computer related matters.

WHEREFORE, the Defendant respectfully requests that this Honorable Court extend the expert witness deadline from Friday September 14, 2007, to Friday, October 5, 2007.

Respectfully submitted,

TROY KING  
Attorney General  
By:

/s/ MARY GOLDTHWAITE  
MARY GOLDTHWAITE  
(GOL013)  
Assistant Attorney General

OF COUNSEL:

OFFICE OF THE ATTORNEY GENERAL

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**CERTIFICATE OF SERVICE**

I hereby certify that I have, on this 10<sup>th</sup> day of September, 2007, electronically filed the foregoing with the Clerk of the Court, using the CM/ECF filing system, and that I have further served a copy of the foregoing upon the foregoing, by placing same in the United States Mail, postage prepaid and properly addressed as follows:

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/s/ MARY GOLDTHWAITE  
OF COUNSEL